

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN L. MONTGOMERY,

Defendant.

CASE NO. CR06-239-MJP

DETENTION ORDER

Offense charged:

Felon in Possession of Firearm

Date of Detention Hearing: 07/26/06

The court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of any other person and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) Defendant has a lengthy record of encounters with law enforcement. While he has only one known felony conviction, he has at least 25 misdemeanor convictions, in Washington and Arizona.
- (2) When he was arrested in the incident which led to this case, defendant had a loaded weapon tucked into his waistband; was driving a stolen vehicle, which contained stolen property, and attempted to run from the officers.
- (3) Defendant admitted he uses methamphetamine two or three times a week, but claims that his last use was two or three months ago.
- (4) His record includes approximately 19 failures to appear in the past 15 years.
- (5) He claims some stability by reason of regular contact with his sister and his landlord/employer. But neither the pretrial services officer nor defense counsel have yet been able to reach these persons.

It is therefore ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

1 (4) The clerk shall direct copies of this order to counsel for the United States, to counsel
2 for the defendant, to the United States Marshal, and to the United States Pretrial
3 Services Officer.

4 DATED this 26th day of July, 2006.

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6 John L. Weinberg
7 United States Magistrate Judge
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